

PLANO CITY COUNCIL
September 23, 2002

COUNCIL MEMBERS

Pat Evans, Mayor
Phil Dyer, Mayor Pro tem
Steve Stovall, Deputy Mayor Pro tem
Shep Stahel
Scott Johnson
Sally Magnuson
Jim McGee
Ken Lambert

STAFF

Thomas H. Muehlenbeck, City Manager
Frank Turner, Executive Director
Bruce Glasscock, Executive Director
Rod Hogan, Executive Director
Diane C. Wetherbee, City Attorney
Elaine Bealke, City Secretary

Mayor Evans convened the meeting into open session on Monday, September 23, 2002, at 7:01 p.m., in the Council Chamber of the Plano Municipal Center, 1520 K Avenue. All Council Members were present.

The invocation was led by Carol Brooks, Pastoral Care Minister with Christ Church.

The Pledge of Allegiance was led by Klubhause Kids.

Mayor Evans recognized the "Volunteer of the Month" and the "2002 CIE/USA-DFW Young Achiever." She made a presentation and thanked PACE for contribution to the Courtyard Theater, presented a proclamation for National Customer Service Week and the Outstanding Food Safety Awards.

Mayor Evans administered oaths of office to incoming members of the boards and commissions.

GENERAL DISCUSSION

James Craft, representing the Sidekicks Booster Club, spoke regarding solicitation and the City not separating non-profit organizations from those that sell for profit and stated that with this in place he would request a resolution replacing the current 45-day limit in 9-day segments at one location with a 36-day limit in 3-day segments.

He spoke to this providing a 20% reduction in the amount of permit days for enforcement, an increase in monies generated from street vendors for permit filing, and by requiring permit usage for three days versus nine make it more cumbersome and possibly limiting the number of street vendors in the City. Mr. Craft stated that Staff has indicated the issuance of additional permits would not result in additional cost or manpower. He spoke to a proposal not to require non-profit organizations to obtain permits for fundraising activities on school property and requested this be included. Mr. Craft stated that if both requests cannot be accommodated, his preference would be to change to a 36-day limit with 3-day segments and requested consideration on a future agenda.

Kathleen Barry, citizen of the City, stated concerns regarding the inaccuracy of record keeping at the Plano Animal Shelter and requested an item be placed on a future agenda to address this issue. Mayor Evans spoke to the City Manager providing responses to inquiries. DeAnne L. Rogers, member of the Animal Shelter Advisory Committee, requested shelter concerns be placed on a future agenda, stated concern regarding obtaining records, incomplete records, and lack of information for new owners. She spoke regarding the lack of policies and procedures and concern that the committee is not involved in their development and requested Council assistance in addressing internal operations and personnel. Joe Cattell, citizen of the City, inquired regarding employees' training and certification to perform euthanasia, adoption and euthanasia statistics, shelter records, the requirements for handling euthanasia drugs and requested an agenda item be scheduled to address these issues.

Receive City Manager's response to comments of public interest made at a previous Council meeting. Council may discuss and provide direction on the following item(s):

Animal Shelter

City Manager Muehlenbeck responded to questions raised at the September 9 Council meeting and advised regarding the number of euthanasias performed the day Marjorie Murphy assumed her position and the day after she was placed on administrative leave. He further spoke regarding the qualifications of Staff, euthanasia rates in 2002 versus 2001, stated that decisions are based upon injury, illness, behavior and in some cases space and advised that evaluations are made by trained professional staff and, on availability, a veterinarian. Mr. Muehlenbeck stated that a euthanasia drug was not missing, but that there had been a record-keeping error and further advised regarding procedures implemented to prevent a future incident. He stated that Staff is available to groom animals and that the recommendation is that private funding be used for medical support or educational materials.

Mr. Muehlenbeck spoke regarding prior volunteer access that should have been limited for safety or workflow purposes, efforts to develop training and information packets to better define volunteers' roles and regarding the valuable service they provide. He spoke regarding the provision of hand-washing facilities, evaluation of animals euthanized on August 24 and their removal from kennels on that day. Mr. Muehlenbeck spoke to Staff collecting policies from various municipal shelter facilities in the state and regarding the effect a policy may have on the euthanasia rate, the qualifications of the Interim Animal Services Manager and the Director of Environmental Health, and items donated by volunteers/others advising that the City provides a budget to accommodate expenses related to food purchases. He advised regarding the processing of requests for information, development of a policy and procedure manual, and circumstances when dogs were left in the dog park including the periodic checks made on them and the employee's concerns regarding safely lifting them in order to transport. Mr. Muehlenbeck advised that regarding the use of euthanasia drugs, records including dosages are maintained; the division refuses unsuitable adopters and will consider screening when resources allow; spoke to the current cost of animal services education activities and stated that the Animal Shelter Advisory Committee is required by state law and that while unsure as to the purpose of establishing a board versus a committee that Staff would entertain discussion.

Mr. Muehlenbeck advised that a report from the Environmental Health Director is scheduled for the October 7, 2002 Council meeting.

CONSENT AGENDA

Deputy Mayor Pro tem Stovall and Council Member Stahel advised that they would be stepping down on Consent Agenda Items "D," "Z," "AA" and "BB," due to conflicts of interest.

Upon a motion made by Council Member Lambert and seconded by Council Member Stahel, the Council voted 8-0 to approve and adopt all remaining items on the agenda as recommended and as follows:

Approval of Minutes: [Consent Agenda Item (A)]

September 9, 2002

Award, Rejection of Bids/Proposals, Conditional Acceptance of Lowest Responsible Bid/Proposal and Designation of Alternate Lowest Responsible Bid/Proposal when applicable on the following:

Bid No. C129-02 for the Mowing Contract for Preston Road and Dallas North Tollway in the estimated annual amount of \$43,693. [Consent Agenda Item (B)] (See Exhibit "A")

Bid No. B125-02 for Preston Ridge Trail Extension – McDermott Road to Ridgeview Drive in the amount of \$104,100. [Consent Agenda Item (C)] (See Exhibit “B”)

Adoption of Resolutions

Resolution No. 2002-9-24(R): To approve a purchase and installation of drivecam and driving feedback system for implementation on City operated vehicles in an amount not to exceed \$90,000 from Drivecam Video Systems, a sole source supplier of such equipment; authorizing the City Manager to execute all documents necessary to effectuate such purchase; and providing an effective date. [Consent Agenda Item (E)]

Resolution No. 2002-9-25(R): To establish a Multi-Cultural Outreach Roundtable; setting forth the purpose of the roundtable; appointment of a Chair and establishment of duties; providing for open membership to the roundtable; and setting an effective date. [Consent Agenda Item (F)]

Resolution No. 2002-9-26(R): To authorize the City Manager to execute an electric supply contract(s) or agreement(s) ratifying the City’s participation in the power supply and services agreement to be executed by Cities Aggregation Power Project, Inc. (“CAPP”) for deliveries of electricity effective January 1, 2003; and providing an effective date. [Consent Agenda Item (G)]

Resolution No. 2002-9-27(R): To approve a license agreement by and between the City of Plano, Texas, and Los Rios Golf Course, L.P., for use of the area under the Los Rios Boulevard Bridge at Rowlett Creek for purposes related to the operation of the golf course. [Consent Agenda Item (H)]

Resolution No. 2002-9-28(R): To accept the “Six Cities Trail Plan” and approving it to guide the development and enhancement of regional trails, corridors, and connection points; and providing an effective date. [Consent Agenda Item (I)]

Resolution No. 2002-9-29(R): To ratify the expenditure of \$9,000 to WSC for professional telecommunication services; authorizing the execution of all documents in connection therewith by the City Manager; and providing an effective date. [Consent Agenda Item (J)]

Resolution No. 2002-9-30(R): To approve the tax roll for Fiscal Year 2002-2003; and providing an effective date. [Consent Agenda Item (K)]

Resolution No. 2002-9-31(R): To authorize the City of Plano to participate in and receive funding through the Texas Highway Traffic Safety Program for an intersection traffic control project, PIN 17560006409000, targeting intersections regulated by means of a signal light; authorizing the City Manager to execute the grant agreement and any other documents necessary to effectuate the action taken; and providing an effective date. [Consent Agenda Item (L)]

Resolution No. 2002-9-32(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Liaison Program at Frankford Middle School, 7706 Osage Plaza Parkway, Dallas, Texas; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (M)]

Resolution No. 2002-9-33(R): To approve the terms and conditions of an interlocal agreement by and between the City of Plano, Texas and the Plano Independent School District for the operation of the Police/School Liaison Program; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (N)]

Resolution No. 2002-9-34(R): To approve the terms and conditions of a regional law enforcement mutual aid task force agreement with other area law enforcement agencies for providing and receiving law enforcement assistance; authorizing its execution by the City Manager; and providing an effective date. [Consent Agenda Item (O)]

Adoption of Ordinances

Ordinance No. 2002-9-35: To amend Section 15-1 of Ordinance No. 2000-8-32, codified as Article 1 of Chapter 15, Parks and Recreation of the Code of Ordinances of the City of Plano, Texas by adding definitions of unlicensed motorized vehicle and licensed motorized vehicle; repealing Subsection (13) of Section 15-4 of Ordinance No. 2000-8-32 and adopting a new Subsection (13) to provide definitions, restrictions and regulations for the use of licensed and unlicensed motor vehicles; amending Section 15-4 of Ordinance No. 2000-8-32 to add a new Subsection (14) regarding use of bicycles; providing severability, repealing, savings, penalty, and publication clauses, and an effective date. [Consent Agenda Item (P)]

Ordinance No. 2002-9-36: To vacate Ordinance No. 2002-8-15, thereby rescinding the zoning designation of Planned Development-Retail granted therein, and adopting this ordinance to correct a clerical error, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 86-3-14, as heretofore amended, so as to rezone 12.7± acres out of the Collin County School Land Survey, Abstract No. 153, located on the northeast corner of Hedgcoxe Road and Ohio Drive in the City of Plano, Collin County, Texas, from Retail to Planned Development-141-Retail; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. (Zoning Case 2002-28) [Consent Agenda Item (Q)]

Ordinance No. 2002-9-37: To amend Ordinance No. 2002-7-10, codified as Section 12-102 (e) of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances to prohibit parking of motor vehicles along the west side of Rainier Road from its intersection with Crossbend Road south to the drive entrance for Christie Elementary School within the City limits of the City of Plano on school days between the hours of 7:15 a.m. to 8:15 a.m. and 2:30 p.m. to 3:15 p.m.; declaring it unlawful and a misdemeanor to park motor vehicles upon such sections of such roadway within the limits herein defined; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date. [Consent Agenda Item (R)]

Ordinance No. 2002-9-38: To amend Article V, Chapter 12, Motor Vehicles and Traffic, by adding a new Section 12-104.5 prohibiting parking for longer than four hours in certain designated public parking lots within the business government district without a valid permit; providing a fine for criminal penalties not to exceed \$200 for each offense; and providing a repealer clause, a severability clause, and an effective date. [Consent Agenda Item (S)]

Ordinance No. 2002-9-39: To amend Section 11-222(D) Fee; Term; Renewal of Article VI, Alarm Systems, of Chapter 11, Licenses and Business Regulations of the Code of Ordinances of the City of Plano to revise the permit fee and late fee; providing a severability clause and an effective date. Item pulled and held 9/9/02. [Consent Agenda Item (T)]

Ordinance No. 2002-9-40: To repeal Ordinance No. 2002-4-19; establishing the number of certain classifications within the Police and Fire Departments for fiscal year 2002-2003; establishing the authorized number and effective dates of such positions for each classification; establishing a new salary plan for the Police and Fire Departments effective October 7, 2002; and providing a repealer clause, a severability clause and an effective date. [Consent Agenda Item (U)]

Cancellation of Contract

To cancel Bid No. C066-02 for Custodial Supplies. [Consent Agenda Item (V)]

Reimbursement of Oversize Participation

To approve and authorize reimbursement to Electronic Data Systems Corporation for oversize participation for water line and signalization improvements associated with construction of Legacy Town Center in the amount of \$293,386. [Consent Agenda Item (W)]

To approve and authorize reimbursement to Electronic Data Systems Corporation for oversize participation for paving and water line improvements associated with the construction of Tennyson Parkway in the amount of \$73,362. [Consent Agenda Item (X)]

Purchase off Existing Contract

To authorize City participation in the Houston-Galveston Area Council of Governments (HGAC) Inter-Local Contract Agreement (Contract No. HT01-04) for the purchase of one 33,000 GVWR Cab & Chassis with Knuckleboom Crane and Brush Body for the Solid Waste Division and authorizing the City Manager to execute all documents necessary to effectuate this purchase. [Consent Agenda Item (Y)]

Approval of QISV

END OF CONSENT

Due to conflicts of interest, Deputy Mayor Pro tem Stovall and Council Member Stahel stepped down from the bench on the following four items.

Bid No. B115-02 for Cisco Data Network Equipment for the Telecommunications Department in the amount of \$386,133. [Consent Agenda Item (D)] (See Exhibit “C”)

Upon a motion made by Council Member McGee and seconded by Mayor Pro tem Dyer, the Council voted 6-0 to approve Bid No. B115-02 for Cisco Data Network Equipment for the Telecommunications Department in the amount of \$386,133.

Approval of QISV - To authorize expenditure for additional professional consulting services in an amount of \$36,000 from Exodus Consulting Group, LLC, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase. (QISV #1752923695600) [Consent Agenda Item (Z)]

Upon a motion made by Council Member McGee and seconded by Mayor Pro tem Dyer, the Council voted 6-0 to authorize expenditure for additional professional consulting services in an amount of \$36,000 from Exodus Consulting Group, LLC, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all documents necessary to effectuate the purchase.

Approval of QISV - To modify an enterprise agreement to include server software in an amount of \$250,000 with SHI-GS, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (QISV# 1223695478500/82075) [Consent Agenda Item (AA)]

Approval of QISV (cont'd)

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson, the Council voted 6-0 to modify an enterprise agreement to include server software in an amount of \$250,000 with SHI-GS, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase.

Approval of QISV - To approve to pay for additional migration services for network conversion and the implementation of the new Exchange messaging system in an amount of \$107,652 from Microsoft Corporation, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase. (QISV# 1911144442800) [Consent Agenda Item (BB)]

Upon a motion made by Council Member McGee and seconded Council Member Lambert, the Council voted 6-0 to approve paying for additional migration services for network conversion and the implementation of the new Exchange messaging system in an amount of \$107,652 from Microsoft Corporation, a vendor listed on the State Purchasing and General Services Commission Qualified Information Services Vendors list; and authorizing the City Manager to execute all necessary documents to effectuate the purchase.

Deputy Mayor Pro tem Stovall and Council Member Stahel resumed their places on the bench.

Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano Park, known as Evans Park, for a parking facility for Plano Independent School District. [Regular Agenda Item (1)]

Director of Parks and Recreation Wendell spoke to entering into a license agreement with the school district to allow the construction of a parking lot to serve Weatherford Elementary School and advised that in order to meet criterion under the Texas Parks and Wildlife Code a Public Hearing should be held and findings made that there is no feasible and prudent alternative to the use or taking of the park land as proposed by the project, and that the project includes all reasonable planning to minimize harm to the park land, resulting from the use or taking. He advised that the Staff and Parks and Recreation Planning Board have reviewed the request, determined that criteria have been met and recommended approval. Mr. Wendell further stated that the public would have access to the park/parking lot during non-school hours. Ms. Wetherbee advised the Council that the license term would be for ten years with a ten-year renewal.

Public Hearing (cont'd)

Director of Parks and Recreation Wendell stated that Staff and the Parks and Recreation Planning Board have reviewed the location and feel there would be no impact on present or future uses at the park. He confirmed that proper planning has been done to minimize disruption to park users and recommended approval.

Mayor Evans opened the Public Hearing. No one spoke either for or against the request. The Public Hearing was closed.

Ordinance No. 2002-9-41: To approve a project, for a license agreement to construct and maintain a parking facility, requiring the use or taking of a portion of City of Plano public park land, known as Evans Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date. [Regular Agenda Item (2)]

Upon a motion made by Council Member McGee and seconded by Mayor Pro tem Dyer, the Council voted 8-0 to approve a project, for a license agreement to construct and maintain a parking facility, requiring the use or taking of a portion of City of Plano public park land, known as Evans Park; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the park land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park and recreation area resulting from the use; and providing an effective date; and further to adopt Ordinance No. 2002-9-41.

Resolution No. 2002-9-42(R): To approve the terms and conditions of a license agreement by and between the City of Plano, Texas and Plano Independent School District to construct and maintain a parking facility in connection with Weatherford Elementary School; authorizing its execution by the City Manager; and providing an effective date. [Regular Agenda Item (3)]

Upon a motion made by Council Member Lambert and seconded by Council Member Magnuson, the Council voted 8-0 to approve the terms and conditions of a license agreement by and between the City of Plano, Texas and Plano Independent School District to construct and maintain a parking facility in connection with Weatherford Elementary School; authorizing its execution by the City Manager; and providing an effective date; and further to adopt Resolution No. 2002-9-42(R).

Consideration and direction regarding a donation from the City of Plano Fire Department of 20 self contained breathing apparatus and 40 refill air bottles to the San Pedro Garza Garcia, Mexico Fire Department. [Regular Agenda Item (4)]

Upon a motion made by Council Member McGee and seconded by Council Member Magnuson, the Council voted 8-0 to approve a donation from the City of Plano Fire Department of 20 self contained breathing apparatus and 40 refill air bottles to the San Pedro Garza Garcia, Mexico Fire Department.

There being no further discussion, Mayor Evans adjourned the meeting at 8:18 p.m.

Pat Evans, **MAYOR**

ATTEST:

Elaine Bealke, City Secretary